

From: Robert Eugene Wood
To: Microsoft ATR
Date: 1/25/02 1:30pm
Subject: Microsoft Settlement

The following document is an electronic version of a document faxed to your office on 25 Jan 2002. It is unchanged from the Faxed version.

----- Begin Comment Document (as faxed) -----

Robert Wood
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25 January, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Ms. Hesse:

The following document is a brief objection to the terms of the proposed settlements to Civil Action No. 98-1232 and 98-1233. It is being sent on 25 January 2002 both as a signed FAX (202-616-9937 or 202-307-1454) and as an e-mail message (microsoft.atr@usdoj.gov) to aid in any transcription that might take place.

As a defense engineer whose work has been associated with Information Technology for the past 15 years, I have witnessed the damage done by the monopolistic activities of the Microsoft Corporation. I am concerned that if these activities are allowed to continue (and the proposed settlement does not seem to do anything to curb these practices) the company will continue to squeeze out competing operating systems and ISVs until there are no practical alternatives to the Microsoft products. For the sake of innovation, competition, and security we need viable alternatives for operating systems and applications that have been developed independently of Microsoft's codebase. The high numbers of macro viruses (both in documents and e-mail attachments) as well as the recent IIS worms demonstrates the danger of widespread adoption of a single product. With healthy competition, there are enough alternative products that it is

impossible to attack them all since they will have different weaknesses.

Paragraph III.J of the proposed settlement is especially troubling, since the argument can be made that any component of a Communications Protocol has the potential to "compromise the security of a particular installation or group of installations..." Considering that Microsoft has recently announced that they are finally going to "make security its first priority," I believe that this section will be used to withhold any useful data from release.

I recognize the positive aspects of Microsoft's role as the dominant provider of Intel Operating system software, middleware, and applications. The software industry can benefit from the leadership of one entity who has the power and resources to introduce new technologies. Unfortunately, I have seen Microsoft's dominance increasingly used to force alternative products and approaches out of the marketplace. For example, in my organization, no alternative to Microsoft Word is considered by management because it is presumed that no other product can read/write Word formatted text files perfectly. Even those products that currently do a good job on Word file reading/writing are not guaranteed to be able to continue to be able to keep up with the changes to the largely undocumented Word format. The documentation of the modifications Microsoft made to the widely-accepted Kerberos authentication protocol was distributed under a restrictive license designed to prevent the information about the changes to an open standard to be used to create compatible software. This is a disturbing trend.

The proposed settlement does not appear to do anything to curb the monopolistic practices of Microsoft. It appears, in fact, to simply formalize them and allow the company to continue its practices with little interference. It does not touch on some of the most commonly used Barriers to Entry that the company puts up to discourage competition such as document formats and changing communications protocols. The proposed settlement appears to set up a system where any potential competitor is relegated to the role of a Microsoft Developer (MSDN is explicitly mentioned as a delivery medium for some of the information) rather than a competitor. It is difficult to compete in an environment where you can not get necessary information on a product until it is almost ready for release. Quality software demands extensive testing in addition to basic development time and if the required information is only released "no later than the last major beta release," then by the time a competitor's product can be finished and tested, the Microsoft product would have long since been deployed.

In the interests of competition, security, and interoperability, Microsoft should be compelled to develop and deploy those protocols required for communication and authentication in cooperation with an appropriate standards body for the widest possible examination and testing. The standards body could then properly oversee the distribution of the

protocol to ensure that competitor's software is truly interoperable with the Microsoft product as well as ensuring that competing products do not introduce incompatibilities with the Microsoft product. Microsoft should be compelled to disclose upfront which elements of a new and existing API, Communications Protocol, or Middleware product are covered by the company's own or licensed intellectual property as a part of this standards acceptance process. The result would be a set of protocols that benefit from community involvement and more extensive security testing than Microsoft is capable of on its own.

Sincerely,

Robert Wood

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